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Editorial: Freedom to discriminate

Same-sex marriage is now legal in 37 states, including Indiana. The Supreme Court looks ready to rule on this issue soon. Yet, with Senate Bill 568, Indiana looks to be on a fast track to join 19 other states in implementing a state religious freedom restoration act.

“Supporters ... say it would protect people and businesses from having to take part in same-sex weddings and other activities they find objectionable,” reported Tom Davies of The Associated Press Feb. 9. “An Indiana Senate committee began hearing testimony on the proposal ... hours after Republican Gov. Mike Pence joined a couple hundred supporters at a Statehouse rally.”

The bill is authored by Sen. Scott Schneider, R-Indianapolis, Sen. Dennis Kruse, R-Auburn, and Sen. Brent Steele, R-Bedford, and has nine co-authors, including Sen. Jim Buck, R-Kokomo. Last week, they successfully pushed this through committee without even waiting for Democrats to take their seats.

In the midst of all this, a case covering similar legal ground came to a head.

“An Oregon bakery that refused on religious grounds to bake a wedding cake for a gay couple violated the state’s anti-discrimination laws because the shop is not a registered religious institution, state officials said,” reported Reuters’ Courtney Sherwood Feb. 2. “Sweet Cakes by Melissa, in the Portland area, might have to pay fines of \$75,000 or more to two women to whom it refused service in 2013, a Bureau of Labor and Industries administrative judge ruled. ... A hearing to determine the damages is set for March 10.”

Let us put aside wedding photographers and bakeries for now. What if you couldn’t buy basic necessities because there was only one option where you live? This was the question posed by a reader of the Seattle alternative weekly *The Stranger*, Jay Castro, to a representative of Washington state, Sen. Mike Hewitt, R-Walla Walla. Hewitt was the co-sponsor of that state’s (ultimately unsuccessful) version, Senate Bill 5927.

“During the phone calls, [Castro] says he asked staffers some variation of the question, ‘What are rural gays supposed to do if the only gas station or grocery store for miles won’t sell them gas and food?’ Castro says the staffer at Hewitt’s office surprised him with the answer, ‘Well, gay people can just grow their own food,’” reported *The Stranger*’s Anna Minard April 26, 2013, who confirmed this incident with a follow-up call to Hewitt’s office later the same day.

This discriminatory legislation is mean-spirited and economically nonsensical, especially to those who don't have the luxury of shopping around.